

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE GILLETTE COMPANY,
Petitioner,

v.

ZOND, LLC,
Patent Owner.

Case IPR2014-00991
Patent 7,811,421 B2

Before KEVIN F. TURNER, DEBRA K. STEPHENS, JONI Y. CHANG,
SUSAN L. C. MITCHELL, and JENNIFER M. MEYER,
Administrative Patent Judges.

STEPHENS, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

On June 19, 2014, The Gillette Company (“Gillette”) filed a Petition requesting an *inter partes* review of claims 1, 2, 8, 10–13, 15–17, 22–25, 27–30, 33, 34, 38, 39, 42, 43, and 46–48 (“the challenged claims”) of U.S. Patent No. 7,811,421 B2 (“the ’421 patent”). Paper 1 (“Pet.”). Zond, LLC (“Zond”) filed a Patent Owner Preliminary Response. Paper 8 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides:

THRESHOLD.—The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Taking into account Zond’s Preliminary Response, and based on the information presented in the Petition, we are persuaded a reasonable likelihood exists that Gillette would prevail in challenging claims 1, 2, 8, 10–13, 15–17, 22–25, 27–30, 33, 34, 38, 39, 42, 43, and 46–48 as unpatentable. Pursuant to 35 U.S.C. § 314, we hereby authorize an *inter partes* review as to claims 1, 2, 8, 10–13, 15–17, 22–25, 27–30, 33, 34, 38, 39, 42, 43, and 46–48 of the ’421 patent.

A. *Related District Court Proceedings*

Gillette indicates that the ’421 patent was asserted in *Zond, LLC v. The Gillette Company*, No.1:13-cv-11567-DJC (D. Mass.). Pet. 1; Paper 5.

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Gillette also identifies other proceedings in which Zond asserted the '421 patent. *Id.*

B. Related Inter Partes Review

Intel Corporation (“Intel”) filed a Petition to institute an *inter partes* review in *Intel Corp. v. Zond, LLC.*, Case IPR2014-00468 (PTAB) (“IPR2014-00468”), challenging the same claims based on the same grounds of unpatentability as those in the instant proceeding. *Compare* IPR2014-00468, Paper 4 (“’468 Pet.”), 2–58, *with* Pet. 3–59. On September 2, 2014, we instituted an *inter partes* review of claims 1, 2, 8, 10–13, 15–17, 22–25, 27–30, 33, 34, 38, 39, 42, 43, and 46–48 of the ’421 patent in IPR2014-00468 (Paper 12, “’468 Dec.”), based on the following grounds of unpatentability:

Claims	Basis	References
1, 2, 8, 10–13, 16, 17, 22–25, 28–30, 33, 34, 39, 42, 43, 46–48	§ 102	Wang
15, 27, 38	§ 103	Wang and Mozgrin

The trial, however, was terminated in light of the Written Settlement Agreement, made in connection with the termination of the proceeding in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), between Intel and Zond. IPR2014-00468, Papers 14, 15. Gillette has filed a Motion for Joinder, seeking to join the instant proceeding with IPR2014-00468. Paper 7 (“Mot.”).

The following Petitions for *inter partes* review also challenge the

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same claims based on the same grounds of unpatentability as those in IPR2014-00468 and in the instant proceeding: *Taiwan Semiconductor Manufacturing Co., Ltd. v. Zond, LLC*, Case IPR 2014-00800 (PTAB), Paper 1; *Fujitsu Semiconductor Ltd. v. Zond, LLC*, Case IPR2014-00844 (PTAB), Paper 1; and *Advanced Micro Devices, Inc. v. Zond, LLC*, Case IPR2014-01037 (PTAB), Paper 2.

Gillette also filed a revised Motion for Joinder, seeking to join the instant proceeding with *Taiwan Semiconductor Manufacturing Co., Ltd. v. Zond, LLC.*, Case IPR2014-00800 (PTAB) (“IPR2014-00800”). Paper 10 (“Mot.”). In a separate decision, we grant Gillette’s revised Motion for Joinder, joining the instant proceeding with IPR2014-00800, and terminating the instant proceeding.

C. *The Prior Art Relied Upon*

Gillette relies upon the following prior art references:

Wang	US 6,413,382 B1	July 2, 2002	(Ex. 1004)
Lantsman	US 6,190,512 B1	Feb. 20, 2001	(Ex. 1005)

D.V. Mozgrin, et al., *High-Current Low-Pressure Quasi-Stationary Discharge in a Magnetic Field: Experimental Research*, 21 PLASMA PHYSICS REPORTS 400–409 (1995) (Ex. 1003) (hereinafter “Mozgrin”).

D. The Asserted Grounds of Unpatentability

Gillette asserts the following grounds of unpatentability:

Claims	Basis	References
1, 2, 8, 10–13, 15, 16, 34, 38, 39, 43, and 46–48	§ 102	Mozgrin
1, 2, 8, 10–13, 16, 17, 22–25, 28–30, 33, 34, 39, 42, 43, and 46–48	§ 102	Wang
17, 22–25, 27–30, 33, and 42	§ 103	Mozgrin and Lantsman
15, 27, and 38	§ 103	Wang and Mozgrin

II. DISCUSSION

A. Claim Interpretation

The parties make the same claim interpretation arguments that Taiwan Semiconductor Manufacturing Company, Ltd. And TSMC North America Corporation (collectively, “TSMC”) and Zond made in IPR2014-00800. *Compare* Pet. 11–14, *with* ’800 Pet. 12–14; *compare* Prelim. Resp. 13–15, *with* ’800 Prelim. Resp. 13–15.

We construed the claim terms identified by TSMC and Zond in IPR2014-00800. *See* ’800 Dec. 5-8. For the purposes of the instant decision, we incorporate our previous analysis and apply those claim constructions here.

B. Anticipation over Wang

In its Petition, Gillette asserts the same ground of unpatentability based on Wang, as that on which a trial was instituted in IPR2014-00800. *See* Pet.

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